

City of San Jose - PBCE – Planning Division - Imaging Index Cover Sheet

Address/Location: southwest corner of Monterey Road and Goble Lane. (2745 MONTEREY RD)

Permit/Project No.: PDC02-066 Issuance Date: 08/30/05

Prepped By: LMONIZ Closed By: sadvani RSN: 950476

Category	Document Type	Sub Document Type
<input type="checkbox"/> (EF) Environmental Files (203)	<input type="checkbox"/> (PP) Public Project Files (203-03)	<input type="checkbox"/> (EN) EIR <input type="checkbox"/> (DA) Approved Document <input type="checkbox"/> (EM) Maps <input type="checkbox"/> (AE) Application <input type="checkbox"/> (AG) Agency Correspondence <input type="checkbox"/> (EG) General Correspondence <input type="checkbox"/> (TR) Technical Reports <input type="checkbox"/> (RE) Archaeological Reports <input type="checkbox"/> (EP) Plans
<input type="checkbox"/> (GP) General Plan (204)	<input type="checkbox"/> (GA) General Plan Amendments (204-02)	<input type="checkbox"/> (AM) Amendment <input type="checkbox"/> (AA) Application <input type="checkbox"/> (CG) Correspondence
	<input type="checkbox"/> (GE) Environmental Review (for 204 series GP Amendments)	<input type="checkbox"/> (GD) Approved Document <input type="checkbox"/> (GI) EIR <input type="checkbox"/> (GS) Supporting Documents <input type="checkbox"/> (GT) Technical Reports <input type="checkbox"/> (GR) Archaeological
<input checked="" type="checkbox"/> (DR) Development Review (207)	<input type="checkbox"/> (PR) Projects (207-02, 207-03, etc.)	<input type="checkbox"/> (ZN) Zoning <input type="checkbox"/> (PE) Permit <input type="checkbox"/> (MP) Maps <input type="checkbox"/> (AP) Application <input type="checkbox"/> (AC) Agency Correspondence <input type="checkbox"/> (GC) General Correspondence <input type="checkbox"/> (PL) Plans
	<input checked="" type="checkbox"/> (ER) Environmental Review (for 207 series Project Files) CC Resolution 72877, 8/30/05	<input checked="" type="checkbox"/> (EA) Approved Document <input type="checkbox"/> (EI) EIR <input type="checkbox"/> (ES) Supporting Documents <input type="checkbox"/> (ET) Technical Reports <input type="checkbox"/> (AR) Archaeological
	<input type="checkbox"/> (AD) Adjustments (207-12)	<input type="checkbox"/> (DO) Documents <input type="checkbox"/> (PA) Plans
	<input type="checkbox"/> (PI) Public Info (207-29)	<input type="checkbox"/> (LE) Letter <input type="checkbox"/> (LS) Supporting Docs

RESOLUTION NO. 72877**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING IMPACTS AND MITIGATION MEASURES ASSOCIATED WITH THE GOBLE LANE MIXED USE DEVELOPMENT PLANNED DEVELOPMENT REZONING, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT (EIR) HAS BEEN PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, the Goble Lane Mixed-Use Development requires the City of San Jose ("City") to approve a Planned Development Rezoning of approximately 29.5 acres located on the southwest corner of Monterey Road and Goble Lane from the R-MH-Residential Mobile Home Park, HI-Heavy Industrial, & LI-Light Industrial Zoning Districts to A(PD) Planned Development Zoning District to allow development of up to 18,000 square feet of commercial retail fronting Monterey Road, a two-acre public park, and up to 969 residential units consisting of single-family attached townhouses and condominiums, apartments (a portion of which are anticipated to be affordable units).

WHEREAS, prior to the adoption of the Resolution, the Planning Commission of the City of San Jose on June 22, 2005 has certified that the Final Environmental Impact Report ("FEIR") for the Goble Lane Mixed-Use Development Planned Development Rezoning ("Project") was completed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and state and local guidelines; and

WHEREAS, no appeal of the certification of the FEIR by the Planning Commission was filed with the City of San Jose; and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the Planned Development Rezoning; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects, the decision-making agency must make certain findings regarding those effects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby find and certify that the FEIR has been completed in compliance with CEQA and state and local guidelines; and

THAT THE CITY COUNCIL does hereby find that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and has

found that the FEIR represents the independent judgment of the City of San Jose as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 801 North First Street, Room 400, San Jose, California 95110, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does find and recognizes that the FEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft EIR and also incorporates information obtained by the City since the Draft EIR was issued and circulated for public review. The City Council does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and they do not reflect a substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project; and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project. Accordingly the City Council hereby finds and determines that recirculation of the FEIR for further public review and comment is not warranted; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project:

SIGNIFICANT ENVIRONMENTAL IMPACTS

The following findings, including impact statements, mitigation measures, findings and facts in support of findings, are based upon the full administrative record (as set forth in the paragraph immediately above), including, but not limited to, the Draft EIR, which contain a fuller discussion of each issue.

I. LAND USE

A. Population and Housing Impacts

1. **Impact:** Implementation of the proposed project would contribute to the City's jobs/housing imbalance, which will result in environmental impacts including increased regional traffic congestion and impacts on public services and infrastructure.
2. **Mitigation:** There is no mitigation proposed that would reduce the population and housing impact to a less than significant level. The FEIR *Alternatives* does analyze a reduced density alternative.
3. **Finding:** Implementation of the proposed Project will result in a worsening of the City's jobs/housing imbalance, with the resulting

environmental impacts, as identified in the FEIR. This is a **significant unavoidable impact**.

B. Land Use Compatibility Impacts

1. **Impact:** Implementation of the propose project would place residential buildings adjacent to the Raisch Products facility and expose future residents to odors from the daily operation of the plant.
2. **Mitigation:** There is no mitigation measure proposed that would reduce the odor impacts to the Project to a less than significant level. The mitigation necessary to reduce the odor impacts to the project (i.e., a setback of 500 feet between the batch plant and the nearest residential buildings) is not proposed by the project. The FEIR *Alternatives* does analyze a reduced density alternative that would avoid the significant land use impact, and a site design alternative that would lessen but not avoid, the significant land use impact, by providing a greater setback to the adjacent land uses.
3. **Finding:** Implementation of the proposed Project will result in significant land use compatibility impacts with the exposure of residents to significant odors from the daily operation of the adjacent existing industrial use.

II. VEGETATION AND WILDLIFE

A. Special Status Species

1. **Impact:** Construction activities near raptor nests and/or during the nesting season may result in the disturbance, loss of fertile eggs and nestlings or nest abandonment of breeding raptors, such as burrowing owls.
2. **Mitigation:** Preconstruction surveys shall be conducted no more than 30 days prior to the start of site grading. If breeding owls or other raptors are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow or nest tree shall be established for the duration of breeding until young birds have fledged. If owls or other raptors are resident during the non-breeding season (September to January), the project developer shall be responsible for ensuring that a qualified ornithologist in consultation with the California Department of Fish and Game, certifies that measures to avoid harm to the birds are taken prior to grading or tree removal.

3. **Finding:** Implementation of the proposed Project will mitigate the impact of future construction activities near raptor nesting to a **less than significant level**.

B. Mature Trees

1. **Impact:** Implementation of the proposed project would result in the removal of up to 38 ordinance-sized trees.
2. **Mitigation:** Loss of ordinance-sized trees would be mitigated by conformance with the City of San José Tree Removal Ordinance. Ordinance sized trees removed would be replaced at a minimum ratio of 4:1, with trees in 24-inch box size or larger containers. The specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement.

Loss of non-ordinance sized trees will be mitigated at a minimum ratio of 2:1. The size of the replacement trees and the specific replacement tree species will be determined by the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event that the project site does not have sufficient area to accommodate the required number of replacement trees, an additional site(s) shall be identified for additional tree planting and/or a donation of funds shall be made to San José Beautiful or Our City Forest for in-lieu off-site tree planting and maintenance in the community.

3. **Finding:** Implementation of the proposed Project will mitigate the impact of future development on ordinance size trees to a **less than significant level**.

III. HAZARDOUS MATERIALS

A. On-site Impacts

1. **Impact:** Implementation of the proposed Project would expose construction workers and future residents to soil contaminated with lead, diesel, motor oil, and benzene at levels that exceed established residential thresholds.
2. **Mitigation:** Soil identified as contaminated with lead, diesel, motor oil, and/or benzene at concentrations above established residential thresholds shall be excavated to a depth where clean soil is known to occur (no more than five feet below the ground surface) and the contaminated soil shall be

hauled off-site and disposed of at a licensed hazardous materials disposal site. Building permits will not be issued until all contaminated soil is removed from the project site.

3. **Finding:** Implementation of the Project will mitigate potential on-site hazardous material conditions to a less than significant level.

IV. TRANSPORTATION

A. Project Generated Traffic

1. **Impact:** Implementation of the proposed Project would cause one freeway segment to operate at LOS F during the PM peak hour and would result in an increase of more than one percent of capacity for three freeway segments already operating at LOS F.
2. **Mitigation:** There is no mitigation proposed that would reduce the Project's impacts on affected freeway segments to a less than significant level. When project mitigation measures on CMP facilities are not feasible or fail to improve the level of service to the CMP's LOS standard, then a CMP approved Deficiency Plan must be prepared. Pending the adoption of the Countywide Deficiency Plan, a local deficiency plan does not need to be prepared. Instead, Deficiency Plan Immediate Actions are required to be implemented as part of the project's approval.
3. **Finding:** Implementation of the proposed Project will result in a significant increase in freeway segment congestion, as identified in the FEIR. This is a **significant unavoidable impact**.

V. AIR QUALITY

A. Odor Impacts

1. **Impact:** Placement of four-story residential buildings adjacent to the Raisch Products facility would expose residents to odors from the daily operation of the plant.
2. **Mitigation:** There is no mitigation measure proposed that would reduce the odor impacts to the Project to a less than significant level. The mitigation necessary to reduce the odor impacts to the project (i.e., a setback of 400 feet between the batch plant and the nearest residential buildings) is not proposed by the project. The FEIR *Alternatives* does analyze 1) a reduced density alternative that would avoid the significant air quality/odor impact by providing the 500-foot setback, and 2) a site design alternative that would lessen but not avoid, the significant air

quality/odor impact, by providing an increased (approximately 60 feet) setback to the adjacent industrial land uses.

3. **Finding:** As a result, implementation of the Project will have a significant unavoidable odor impact on sensitive receptors residing on the project site. This is a **significant unavoidable impact**.

B. Construction Impacts

1. **Impact:** Construction of the proposed project would result in short-term air quality impacts associated with dust generation.
2. **Mitigation:** The following dust control measures shall be implemented during all demolition and construction phases: (1) watering shall be used to control dust generated during demolition of structures and break-up of pavement, (2) use dust-proof chutes to load debris into trucks; (3) water all active construction areas at least twice daily, (4) water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind, (5) cover all trucks hauling soil, sand, demolition debris, and other loose materials or require all trucks to maintain at least two feet of freeboard, (6) pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, (7) sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites, (8) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets, (9) hydroseed or apply non-toxic soil stabilizers to inactive construction areas, (10) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.), (11) limit traffic speeds on unpaved roads to 15 mph, (12) install sandbags or other erosion control measures to prevent silt runoff to public roadways, and (13) replant vegetation in disturbed areas as quickly as possible.
3. **Finding:** Implementation of the proposed Project will reduce the construction-related air quality impacts to a **less than significant level**.

VI. NOISE

A. Noise and Vibration Impacts to Future Development

1. **Impact:** Future residents will be exposed to exterior noise levels in excess of 60 decibels, which exceeds the noise and land use compatibility standards established in the City's General Plan.
2. **Mitigation:** Locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible. Overall noise levels would continue to

exceed 60 DNL in some areas as a result of transportation noise sources and industrial sources in the project vicinity; however, the City recognizes that the exterior noise goal cannot be achieved in the environs of major roadways and the Norman Y. Mineta San José International Airport.

Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) shall be included for new residential uses adjacent to the railroad. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall construction, acoustical caulking, etc. The specific determination of what treatments are necessary shall be conducted on a unit-by-unit basis. Results of the unit analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans for approval prior to issuance of building permits.

3. **Finding:** Implementation of the proposed Project will reduce the noise and impacts to a less than significant level.

VII. UTILITIES AND SERVICE SYSTEMS – WATER SUPPLY

As required by SB 610 (2001), codified at Water Code section 10910 *et seq.*, the City has considered information relating to the water supply for the Project, and finds as follows:

Availability of Sufficient Water Supplies; Ability of San Jose Water Company to Supply Water. The proposed project, at full build-out, will increase water demand by 192 AF/Y, which will be supplied by San Jose Water Company. The San Jose Water Company completed a water supply assessment (Chapter VI. Supplementary Information of the First Amendment to the Draft EIR), which concluded that there is sufficient water to meet projected water demands during normal and multiple dry years. Future sources of supply for the project will include additional deliveries treated surface water from the Santa Clara Valley Water District, increased pumping from existing and planned groundwater wells, and increased use of recycled water. Achieving the necessary usage of recycled water may require developer extension of the recycled water distribution system, as well as construction of the on-site improvements needed for landscape irrigation use of recycled water. Water demand conservation measures will also be employed during normal and dry years to help offset reductions in supply and avoid shortfalls. The City will

continue to work with the Water District, and the San Jose Water Company to ensure long-term water supply reliability and avoid water shortages.

VIII. CUMULATIVE IMPACTS

A. Transportation - Freeways

1. **Impact:** Significant cumulative traffic impacts associated with a one percent increase in traffic on three freeway segments already operating at LOS F.
2. **Mitigation:** The mitigation necessary to reduce significant impacts upon freeway segments is the widening of the freeway. However, due to the extensive cost of such widening, this mitigation could not reasonably be implemented by the proposed project and other individual cumulative development, and therefore, is considered infeasible. For this reason this impact is considered significant and unavoidable.
3. **Finding:** This will be a **significant unavoidable cumulative impact**.

B. Transportation - Level of Service

1. **Impact:** Significant cumulative traffic impacts associated with the decrease in level of service to three signalized intersections.
2. **Mitigation:** There is mitigation available that could reasonably be implemented by another individual cumulative development, the General Electric Facility PD Rezoning ('GE project'), File #PDC04-029, to reduce cumulative level of service impacts for the three identified signalized intersections to a less than significant level. The GE project, approved by the City Council June 21, 2005, is conditioned for traffic improvements as a result of project traffic impacts at the three identified intersections. The cumulative impacts would only occur upon implementation of all projects described in the cumulative scenario, and the project LOS mitigations required of the GE project would also reduce the significant cumulative LOS impacts. Detailed description of the cumulative mitigation is present in the Second Amendment to the Goble Lane Mixed Use Development EIR, as well as the GE Project FEIR.
3. **Finding:** This will be a less than **significant cumulative impact with mitigation incorporated in the GE Project**.

C. Land Use – Jobs/Housing Imbalance

1. **Impact:** Significant cumulatively considerable contribution to the existing jobs/housing imbalance in San José.
2. **Mitigation:** There is no mitigation available that would avoid or lessen the cumulative impact of loss of industrial land within the City. For this reason this impact is considered significant and unavoidable.
3. **Finding:** This will be a **significant unavoidable cumulative impact**.

D. Land Use – Industrial Conversion

1. **Impact:** Significant cumulatively considerable contribution to the loss of industrial land in San José.
2. **Mitigation:** There is no mitigation available that would avoid or lessen the cumulative impact of loss of industrial land within the City. For this reason this impact is considered significant and unavoidable.
3. **Finding:** This will be a **significant unavoidable cumulative impact**.

VIII. ALTERNATIVES TO THE PROPOSED PROJECT

- A. NO PROJECT ALTERNATIVE:** The "No Project" Alternative would consist of allowing the existing land use designations on the project site.

1. **Comparison to the Project** The impacts of the No Project alternative would ultimately be less than the impacts of the proposed project because the No Project alternative would maintain the current land uses on the project site. As a result, no new traffic would be generated and there would be no increase in local or regional air pollutants. Land use compatibility impacts would also be avoided because no housing would be located adjacent to the existing Raisch asphalt plant. The majority of the residents at the mobile home park on the project site have already relocated and the mobile homes removed from the site. If the No Project Alternative were implemented, the mobile home park would need to be revitalized to make it acceptable for new residents.

The proposed project site is an in-fill location near the downtown area of San José that is currently underutilized. Maintaining the current land use conditions on the site under the No Project alternative does not appear to be a viable long-term use of the site. In addition, the No Project

alternative would not preclude future redevelopment of the project site as a residential/mixed-use development with a housing density of 25 to 50 dwelling units per acre because of the approved General Plan Amendment in 2004. Therefore, it is likely that another residential project may be proposed at the site of equivalent or greater density, which would result in similar traffic and traffic related air quality impacts, as well as odor and land use compatibility impacts. This alternative would not meet any of the project objectives.

2. **Finding:** Implementation of the "No Project" alternative would avoid all of the significant impacts identified in this FEIR. This alternative, however, does not meet any of the objectives of the proposed project and is therefore found infeasible and rejected.

B. REDUCED DENSITY ALTERNATIVE: The reduced density alternative would maintain a minimum density of 25 dwelling units per acre (approximately 75 percent of the project density), and would include a 400-foot setback from the southern property line.

1. **Comparison to the Project** By requiring a 400-foot setback from the southern property line, pursuant to the recommendations of the air quality analysis, the apartments and condominiums located near the Raisch facility would not be impacted by the odors generated by daily operations of the plant or diesel exhaust from the trucks entering and leaving the plant. The reduced density alternative would also reduce the overall traffic generated by the proposed project. However, the freeway impact identified in this EIR cannot be reduced to less than significant with the density included under this alternative. Based on the traffic analysis, a project alternative could develop no more than 150 dwelling units on the project site to reduce the identified freeway impact to a less than significant level. A reduced project consisting of only 150 total dwelling units (5.0 dwelling units per acre) would not meet the General Plan designated residential density of the project site.
2. **Findings:** Implementation of the reduced density alternative would avoid the significant odor impact identified in this FEIR. However it would not avoid the significant freeway impacts nor the significant cumulatively considerable contribution to the loss of industrial land and to the existing jobs/housing imbalance in San José. Further, this alternative, which would only achieve 75% of the projects residential units, does not fully meet the objectives of the proposed project and is therefore found infeasible and rejected..

C. SITE DESIGN ALTERNATIVE: Under the site design alternative, the project would maintain the same number of dwelling units as the proposed project. The internal circulation road, however, would be relocated between the buildings and property lines on the north, south, and west sides of the project site.

1. **Comparison to the Project:** Placement of the road adjacent to the north property line would mimic the existing conditions on the site and maintain the current building setback for the residents of the Chateau La Salle mobile home park. Placement of the road between the proposed apartments/ condominiums and the Raisch facility (along the southern and eastern perimeters of the site) would reduce the odor impact to the proposed apartment buildings by providing a greater setback from the asphalt plant (compared to the proposed project). In addition, this alternative would provide a setback between the proposed condominiums on the western boundary and the rail line, though no significant rail-related impact was identified.

The site design alternative would not reduce the overall traffic generated by the proposed project. As a result, the significant freeway impact identified in this EIR would still occur with implementation of this alternative. In addition, this alternative would reduce the odor impact by placing housing farther away from the Raisch facility, but it would not provide the 400' setback required to reduce the impact to a less than significant level. In addition, this site design alternative would result in urban uses on only one side of the street, contrary to the Communications Hill Specific Plan design guidelines, creating an internal site design less desirable than the proposed project design.

2. **Findings:** Implementation of the site design alternative would lessen but not avoid the significant odor impact identified in this FEIR. In addition, development of the site at 25+ dwelling units per acre would not reduce the significant freeway impacts. This alternative does not reduce the project's significant, unavoidable impacts, does not provide an appropriate site design with a grid street pattern featuring urban uses on both sides of the street consistent with the Communications Hill Specific Plan design guidelines, and is therefore found infeasible and rejected..

D. LOCATION ALTERNATIVE: The CEQA Guidelines require that an EIR identify an alternative location that "would avoid or substantially lessen any of the significant effects of the amendment" [§15126.6 (f) (2) (A)]. There is no specific site known within the City of San José whose development with 969 dwelling units and 18,000 square feet of commercial space would result in substantially fewer environmental impacts.

1. **Comparison to the Project:** There are other commercial or underutilized properties in San José that could be redeveloped as residential/mixed use. Some of these properties are large enough to accommodate a significant number of dwelling units. Redevelopment of these properties, particularly larger sites, would likely all result in development-related impacts similar to those identified for the site evaluated in this FEIR. If the site were

redeveloped industrial sites, they may result in land-use compatibility impacts similar to those of the project.

The San José Flea Market is an approximately 120-acre site located along Berryessa Road and is along a planned transit corridor. The Flea Market site is designated *Transit Corridor Residential (70 DU/AC)*, *Combined Commercial/Industrial, Medium High Density (8-16 DU/AC)*, and *Public Park/Open Space* and would accommodate the proposed project. However, the Flea Market site would have the same traffic and traffic-related air quality impacts as the proposed project. In addition, the site would also have biological impacts (the site is adjacent to two creeks) and noise and vibration impacts from an adjacent rail line.

There may also be a number of sites in the Santa Clara County cities north and northwest of San José that could be developed or redeveloped with a total number of dwelling units similar to what is evaluated in this EIR. Placing residential development closer to the jobs in the north County would result in shorter commute distances, less regional traffic congestion, and fewer noise and air pollution impacts than placing the same number of units at a location that is farther from the north County. However, the City of San José does not have the authority to approve development in other cities, nor does the applicant have control of such sites.

2. **Findings:** Implementation of this alternative is not viable because the project proponent does not have control over the identified alternative site. In addition, the alternative site could have more significant impacts than the proposed project site.

E. DRIVEWAY DESIGN ALTERNATIVE: The driveway design alternative was analyzed to provide an alternate signalized intersection that would meet the needs of the project and comply with CalTrans requirements.

1. **Comparison to the Project:** Under the driveway design alternative, the project would remain the same as the proposed project with the exception of the proposed driveway. The north and south driveways would be replaced with a single full access driveway located at the center of the Monterey Road frontage. The City has concluded that implementation of this alternative would require closure of the Monterey Road median immediately south of the site in front of the Raisch property. As a result, the Raisch driveway, which is currently a full access, unsignalized driveway, will be restricted to right in/right out turning movements only. Trucks traveling northbound on Monterey Road would be required to make a u-turn to enter the Raisch property. The driveway/Monterey Road intersection will be comprised of one left-turn lane and three through lanes in the northbound direction; two through lanes and one through-shared

right-turn lane in the southbound direction; and two left-turn lanes and an exclusive right-turn lane in the eastbound direction (exiting project site).

The driveway at Monterey Road would include two lanes into the project site and three exiting the project site, with a landscaped median separating the entry lanes from the exit lanes. The driveway would connect to a two-lane interior loop road (one lane in each direction) with a landscape strip in the center and parallel parking on one side or both sides of the roadway.

The two mixed-use buildings proposed on the Monterey Road frontage would be redesigned to accommodate the new driveway configuration, but would maintain the same number of residents and the same square footage of retail as the proposed project.

This alternative driveway configuration would not improve the operation of the project driveways, but would limit the operation of the Raisch facility driveway to right-in/right-out due to the closing of the Monterey Road median in front of the Raisch driveway. All other impacts identified under the proposed project would remain the same under this alternative.

2. **Findings:** Implementation of the driveway design alternative would not avoid or reduce the significant land use compatibility, odor or freeway impacts identified in this FEIR. While this alternative meets the objectives of the project, and is feasible, from a construction standpoint, it has no substantive environmental benefits compared to the proposed project, and is therefore rejected.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of San Jose adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

- A. **SIGNIFICANT UNAVOIDABLE IMPACTS:** With respect to the foregoing findings and in recognition of those facts which are included in the record, the City has determined that the Project will result in the following significant unavoidable impacts: impacts associated with odor; impacts on three freeway segments; cumulative impacts resulting from worsening the City's jobs/housing imbalance; and cumulative impacts contributing to loss of industrial land in San Jose. These impacts cannot be mitigated to a less than significant level by feasible changes or alterations to the Project.
- B. **OVERRIDING CONSIDERATIONS:** The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its

significant adverse environmental impacts and is an overriding consideration warranting approval of the Project.

- C. BENEFITS OF THE PROJECT:** The City Council has considered the FEIR, the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents will result in the following substantial public benefits:

Approval of the Project would further the following San Jose General Plan 2020 Major Strategies:

1. Growth Management Major Strategy:

The Project proposes in-fill residential development in an urbanized area located on Monterey Road, which is also a major bus route. This project, a privately-initiated and funded in-fill redevelopment of an underutilized and blighted property is within an urbanized areas where urban facilities and services are already available. This has been the City's Growth Management strategy since the early 1970's, and reduces the demand and cost of new development at the fringe of the City.

2. Housing Major Strategy:

The Project proposes up to 969 mixed-income high-density residential units consistent with the City's overall housing objective to provide a wide variety of housing opportunities. Furthermore, the Project proposes to maximize housing opportunities on an in-fill parcel already served by the City and located on a major bus route and near a Cal Train station/park & ride lot. This is consistent with the City housing strategy to encourage new higher density residential development near transit routes and facilities.

3. Sustainable City:

The Project contributes to sustainability by providing in-fill development on a major bus route (Monterey Road) and within close proximity to Cal Train; hence reducing the need for the City to extend urban services and increasing the availability and convenience of transit use. Furthermore, by dedicating approximately 2 acres of land for park uses and providing up to 18,000 square feet of retail/commercial uses, the Project seeks to reduce the need of future residents to drive for such amenities.

The Project site is also within ¼ mile of neighborhood services such as Santa Clara Fairgrounds, Franklin McKinley Elementary School, Franklin McKinley Medical Clinic, and the recently City-approved (but yet to be built) G.E. commercial/retail project; further contributing to sustainability.

4. Economic Development Major Strategy:

The Economic Development Major Strategy seeks to attract new workers to the City of San Jose. By providing up to 969 mixed-income residential units, the Project provides a variety of housing opportunities to meet the housing needs of new workers and their families; hence, supporting the Economic Development Major Strategy.

5. Greenline/Urban Growth Boundary Strategy:

The Project supports the Greenline/Urban Growth Boundary Strategy by providing high-density in-fill housing development; hence ensuring the efficient use of land and further reducing the pressure to build more housing at the fringe of the City.

ADOPTED and issued this 30th day of August, 2005, by the following vote:

AYES: CAMPOS, CORTESE, LeZOTTE, PYLE,
REED, YEAGER, CHAVEZ


NOES: NONE

ABSENT: CHIRCO, WILLIAMS; GONZALES

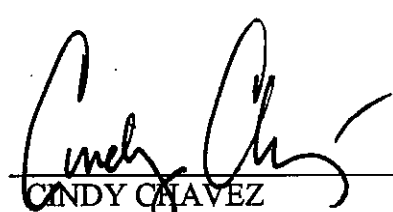
DISQUALIFIED: NONE

VACANT: DISTRICT 7

ATTEST:



LEE PRICE, CMC
City Clerk



CINDY CHAVEZ
Vice Mayor

PDC02-066 Reso of Findings

**MITIGATION MONITORING
AND
REPORTING PROGRAM**

**GOBLE LANE
MIXED-USE DEVELOPMENT
PLANNED DEVELOPMENT REZONING**

File No. PDC02-066

**City of San Jose
August 2005**

PREFACE

This Mitigation Monitoring and Reporting Plan (MMRP) is prepared pursuant to Section 15097 of the California Environmental Quality Act (CEQA). Section 15097 of the CEQA Guidelines requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation. The MMRP describes the processes for implementing identified mitigation measures and the persons responsible for implementing and/or overseeing those mitigations. The specific mitigation measures themselves are intended to be the mitigation measures identified in the Final EIR approved by the City Council of the City of San José.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less-than-significant; nor does it include impacts for which no feasible mitigation was identified.

**MITIGATION MONITORING AND REPORTING PROGRAM
GOBLE LANE MIXED USE DEVELOPMENT PD REZONING PROJECT**

Impact	Mitigation and Avoidance Measures	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
<p>HYDROLOGY</p> <p>Implementation of the proposed project and the proposed Urban Runoff Management Plan will result in a decrease in stormwater pollutants from the site and will have a less than significant impact on water quality. Nevertheless, standard measures are required, based on Regional Water Quality Control Board (RWQCB) Best Management Practices, to ensure compliance with NPDES permit requirements.</p> <p>Less Than Significant Impact with Mitigation</p>	<p><i>Construction Mitigation</i></p> <p>(1) During construction, burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. (2) During construction, earthmoving or other dust-producing activities shall be suspended during periods of high winds. (3) During construction, all exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary. (4) During construction, stockpiles of soil or other materials that can be blown by the wind shall be watered or covered. (5) During construction, all trucks hauling soil, sand, and other loose materials shall be covered and/or all trucks shall be required to maintain at least two feet of freeboard. (6) During construction, all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). (7) During construction, vegetation in disturbed areas shall be replanted as quickly as possible. (8) Prior to construction grading for the proposed land uses, the applicant shall file a "Notice of Intent" (NOI) to comply with the General Permit administered by the RWQCB and shall prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that shall be included in the amendment to minimize and control construction and post-construction runoff. The following measures shall be included in the SWPPP: Preclude non-stormwater discharges to the stormwater system; effective, site-specific Best</p>	<p>The project developer shall ensure that construction mitigation is implemented by the general contractor during all phases of demolition and construction of the project.</p>	<p>The Public Works Staff will confirm that construction and post construction water quality measures are included in the construction bid documents and will inspect the project site during demolition, construction, and post construction to ensure the water quality measures are implemented.</p>	<p>Director of Public Works</p>

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	<p>Management Practices for erosion and sediment control during the construction and post-construction periods; coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff; and perform monitoring of discharges to the stormwater system. (8) The developer shall submit a copy of the draft SWPPP to the City of San José for review and approval prior to construction of the project site. The certified SWPPP shall be posted at the site and shall be updated to reflect current site conditions. (9) Detailed studies and analysis shall be completed to the satisfaction of the Director of Public Works to ensure that the project's stormwater management system prevents contamination of shallow and deep groundwater. Several studies shall be performed to accomplish the goal, including soil analysis of percolation rates, ability to remove various contaminants, groundwater level at the site, effect of sand filters and mechanical devices, and determination of which plants, trees, and grasses which are shown to be most effective. All studies shall be provided to the Director of Public Works and to the SCVWD for review and comment prior to development of final grading plans.</p> <p><i>Post Construction Mitigation</i></p> <p>(1) When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of San José. The NOT will document that all elements of the SWPPP have</p>			

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	been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site. (2) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project site will implement regular maintenance activities (i.e., sweeping, maintaining vegetative swales, cleaning stormwater inlet filters, fossil filters, litter control, and other activities as specified by the City) at the site to prevent soil, grease, and litter from accumulating on the amendment site and contaminating surface runoff. Stormwater catch basins will be stenciled to discourage illegal dumping. (3) All post construction treatment controls will be hydraulically sized pursuant to City Policy 6-29.			
VEGETATION AND WILDLIFE IMPACTS				
Construction activities near raptor nests could result in the loss of fertile eggs, nestlings, or nest abandonment. Removal of mature trees used as nesting sites by protected raptors would be a significant impact if trees are removed during the breeding season. Should Burrowing Owls move onto the project site prior to construction, individual birds and/or their eggs could be destroyed.	Preconstruction surveys shall be conducted no more than 30 days prior to the start of site grading. If breeding owls or other raptors are located on or immediately adjacent to the site, a construction-free buffer zone (typically 250 feet) around the active burrow or nest tree shall be established for the duration of breeding until young birds have fledged. If owls or other raptors are resident during the non-breeding season (September to January), a qualified ornithologist in consultation with the California Department of Fish and Game, would ensure that measures to avoid harm to the birds are taken prior to grading or tree removal.	The project developer shall ensure that a qualified ornithologist implements the preconstruction surveys no more than 30 days prior to start of grading.	All measures shall be printed on construction bid documents and project plans. The ornithologist shall submit a report of the survey findings to the Environmental Principal Planner in Planning, Building & Code Enforcement (PBCE) and the Director of Public	Environmental Principal Planner in PBCE and the Director of Public Works will review the report to confirm what, if any additional measures are required, prior to issuance of grading permits.
Less Than Significant Impact with				

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Mitigation			Works no more than three weeks prior to start of grading and/or construction activities.	
Implementation of the proposed project would result in the removal of up to 38 ordinance-sized trees.	Loss of ordinance-sized trees would be mitigated by conformance with the City of San José Tree Removal Ordinance.	The project developer shall ensure that the general contractor implements tree mitigation (replacement, planting, and maintenance, during all stages of construction.	All measures shall be printed on construction documents, contracts, and project plans.	The Director of PBCE shall assure that all trees are planted and any required in-lieu fees are paid.
Less Than Significant Impact with Mitigation	Loss of non-ordinance sized trees will be mitigated at a minimum ratio of 2:1, with trees 15-gallon size trees.		The specific replacement tree species will be determined by the Implementation Project Manager in PBCE in conjunction with the City arborist at the PD Permit stage.	
	In the event that the project site does not have sufficient area to accommodate the required number of replacement trees, an additional site(s) will be identified for additional tree planting and/or a donation of funds will be made to San José Beautiful or Our City Forest for in-lieu off-site tree planting and maintenance in the community.	The project developer shall identify an additional site(s) and/or donate in-lieu funds to offset the loss of trees.	Evidence of tree planting/maintenance and/or proof of payment of in-lieu off-site tree planting/maintenance shall be provided to the Environmental Principal Planner of PBCE prior to issuance of grading	

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HAZARDOUS MATERIALS IMPACTS				
Implementation of the proposed project would expose construction workers and future residents to soil contaminated with lead, diesel, motor oil, and benzene at levels that exceed established residential thresholds. Less Than Significant Impact with Mitigation	Soil identified as contaminated with lead, diesel, motor oil, and/or benzene at concentrations above established residential thresholds will be excavated to a depth where clean soil is known to occur (no more than five feet below the ground surface). The contaminated soil will be hauled off-site and disposed of at a licensed hazardous materials disposal site. Building permits will not be issued until all contaminated soil is removed from the project site.	The project developer shall ensure that mitigation for hazardous materials impacts are implemented by the general contractor prior to construction phase of the project; and shall ensure submittal of the report by hazardous materials specialist.	Submittal of report by qualified hazardous materials specialist to the Environmental Principal Planner of PBCE, the Department of Environmental Services Environmental Compliance Officer, and the Director of Public Works and Public Works staff.	Chief Building Official in PBCE and Director of Public Works
TRANSPORTATION IMPACTS				
Implementation of the proposed project would cause one freeway segment to operate at LOS F during the PM peak hour and would result in an increase of more than one percent of capacity for three freeway segments operating at LOS F. Significant Unavoidable Impact	When project mitigation measures on CMP facilities are not feasible or fail to improve the level of service to the CMP's LOS standard, then a CMP-approved Deficiency Plan must be prepared. Pending the adoption of the Countywide Deficiency Plan, a local deficiency plan does not need to be prepared. Instead, Deficiency Plan Immediate Actions are required to be implemented as part of the project's approval. Under these circumstances, Section 10.6 of the May 1998 CMP Guidelines requires implementation of the "Immediate Actions" identified in Appendix D of the guidelines.	Physical improvements must be completed by the project developer prior to residential occupation of the site. The project developer shall ensure that public information Programs are initiated within 30 days of the initial residential	All measures shall be printed on construction documents, contracts, and project plans. The Public Works Staff will inspect the proposed physical improvements upon completion.	Director of Public Works

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	Implementation of the selected items from the "Immediate Implementation Action List" is therefore recommended. A copy of the list is presented in Appendix C of this EIR. The selection of the final items from the list would be determined by the City of San José. With implementation of these items, project mitigation would be in conformance with CMP guidelines: (1) Provision of physical improvements, such as well-lit pedestrian/bicycle paths and bicycle racks and lockers, landscaping, and the installation of bus shelters, which would act as incentives for pedestrian, bicycle and transit modes of travel, and (2) provide public information programs for carpooling and transit use.	occupation of the site.		
AIR QUALITY IMPACTS				
Construction of the proposed project would result in short-term air quality impacts associated with dust generation. Less Than Significant Impact with Mitigation	The following dust control measures shall be implemented during all construction phases: (1) watering shall be used to control dust generated during demolition of structures and break-up of pavement, (2) use dust-proof chutes to load debris into trucks; (3) water all active construction areas at least twice daily, (4) water or coverall stockpiles of debris, soil, sand or other materials that can be blown by the wind, (5) cover all trucks hauling soil, sand, demolition debris, and other loose materials or require all trucks to maintain at least two feet of freeboard, (6) pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, (7) sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites, (8) sweep streets daily	The project developer shall ensure that the general contractor implements all air quality mitigation measures during the demolition and construction phases of the project.	The Public Works Staff will confirm that dust control measures are included in the construction bid documents and will inspect the project site during demolition and construction to ensure the dust control measures are implemented.	Director of Public Works, and Director of PBCE

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	(preferably with water sweepers) if visible soil material is carried onto adjacent public streets, (9) hydroseed or apply non-toxic soil stabilizers to inactive construction areas, (10) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.), (11) limit traffic speeds on unpaved roads to 15 mph, (12) install sandbags or other erosion control measures to prevent silt runoff to public roadways, and (13) replant vegetation in disturbed areas as quickly as possible.			
NOISE IMPACTS				
Future residents will be exposed to exterior noise levels in excess of 60 decibels, which exceeds the noise and land use compatibility standards established in the City's General Plan.	Locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible. Overall noise levels would continue to exceed 60 DNL in some areas as a result of transportation noise sources and industrial sources in the project vicinity; however, the City recognizes that the exterior noise goal cannot be achieved in the environs of major roadways and the Norman Y. Mineta San José International Airport. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) shall be included for new residential uses adjacent to the railroad. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, etc. The	The project developer shall ensure that all noise mitigation measures are implemented during construction of the project.	The acoustical report shall be submitted by a qualified acoustical analyst on the noise reduction treatments of each unit to the Chief Building Official in PBCE.	The Chief Building Official in PBCE will review the report to confirm what, if any additional measures are required of each unit, prior to issuance of building permits.
Less Than Significant Impact with Mitigation				